

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5427**

**ADMINISTRATIVE CIVIL LIABILITY
ORDER NO. 98-84**

Issued To

**SAN MIGUELITO MUTUAL WATER COMPANY
P. O. BOX 2120
AVILA BEACH, CA 93424**

The California Regional Water Quality Control Board, Central Coast Region, finds that:

1. San Miguelito Mutual Water Company (hereafter Mutual Water Company), has violated Section 301 of the Clean Water Act and an order of the Regional Water Quality Control Board, Central Coast Region (Regional Board), for which the Regional Board may impose civil liability under Section 13385 of the California Water Code.

Ocean on July 3 and 4, 1998, in violation of Section 301 of the Clean Water Act. The discharge caused a condition of nuisance by posing a threat to human health and a condition of pollution by discharging raw sewage to the stream and ocean. Public beaches in the vicinity of the discharge were closed due to the public health threat for a period of three days beginning July 4, 1998.
2. The Mutual Water Company owns and operates a domestic wastewater collection and treatment facility located in Wild Cherry Canyon, San Luis Obispo County.
3. The Regional Water Quality Control Board issued Order 95-57, Waste Discharge Requirements for San Miguelito Mutual Water Company, Wild Cherry Canyon Sewage Treatment Plant on July 14, 1995. Order No. 95-57 prohibits discharge of waste except to the designated land disposal areas and provides that the collection, treatment, and discharge of waste shall not create nuisance or pollution.
4. The Mutual Water Company has violated California Water Code Section 13385 by violating Waste Discharge Requirements Order No. 95-57 and discharging approximately 300,000 gallons of untreated and partially treated sewage to surface waters of Wild Cherry Creek and the Pacific
5. The Executive Officer issued Administrative Civil Liability Complaint No. 98-84 on November 6, 1998, pursuant to Section 13385 of the California Water Code for violation of Section 301 of the Clean Water Act. The complaint proposed imposing administrative civil liability in the amount of \$10,000.
6. A public hearing was held before the Regional Board on December 11, 1998, in San Luis Obispo, California. The Mutual Water Company's representatives were given an opportunity to be heard and to contest the allegations in Complaint 98-84 and imposition of civil liability by the Regional Board.
7. In considering the amount of civil liability imposed pursuant to Section 13385 of the California Water Code, the Regional Board considered the nature, circumstances, extent, and gravity of the violation, whether the

discharge is susceptible to cleanup and abatement, the degree of toxicity of the discharge, and with respect to the violator, the ability to pay, the effect on its ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and other matters justice may require. In determining the amount of civil liability, the Regional Board considered the "Worksheet for Assessment of Administrative Civil Liability." The Regional Board also considered all the arguments and evidence presented at the hearing on December 11, 1998, and all other evidence in the Regional Board record.

8. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with sections 15307 and 15308, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13385 of the California Water Code, that San Miguelito Mutual Water Company is assessed a total civil liability of \$10,000, based on consideration of statutory factors in Section 13385 of the California Water Code, to be paid as follows:

1. The sum of \$10,000 to be paid to the Regional Water Quality Control Board by January 11, 1999. The check is to be made payable to the State Water Resources Control Board.

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Water Quality Control Board on December 11, 1998.

Roger W. Briggs, Executive Officer

Date

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 11, 1998

Prepared on November 3, 1998

ITEM NUMBER:

**SUBJECT: SAN MIGUELITO MUTUAL WATER COMPANY; ASSESSMENT OF
ADMINISTRATIVE CIVIL LIABILITY**

KEY INFORMATION

Location:	Approximately 0.8 miles north of the Avila-Port San Luis Road on the private road into Wild Cherry Canyon
Type of Waste:	Domestic
Design Capacity:	150,000 gpd
Current Flow:	50,000 gpd
Treatment:	Aerated pond
Disposal:	Evaporation/Percolation ponds
Existing Order:	Waste Discharge Requirements Order No. 95-57

SUMMARY

San Miguelito Mutual Water Company discharged approximately 300,000 gallons of raw sewage to Wild Cherry Creek and the Pacific Ocean on July 3 and 4, 1998. In accordance with the Board's enforcement policy, the Executive Officer issued a complaint for administrative civil liability in the amount of \$10,000 on November 6, 1998. San Miguelito Mutual Water Company declined to waive its right to a hearing and has asked to contest the complaint.

DISCUSSION

San Miguelito Mutual Water Company owns a wastewater treatment and disposal facility located in Wild Cherry Canyon, San Luis Obispo County. The Facility is operated by Fluid Control Systems, Inc. and serves the San Luis Bay Estates residential community and resort complex located near Avila Beach. The wastewater facility presently treats and disposes approximately 50,000 gallons-per-day (gpd) and has a design capacity of 150,000. The treatment facility consists of an aeration pond and disposal is to six evaporation/percolation ponds.

The wastewater facilities are depicted on Attachments A and B of this staff report.

On July 3, 1998, the San Miguelito Mutual Water Company's force-main (which carries raw sewage to the treatment facility) broke, releasing the contents to Wild Cherry Creek. The resulting loss of pressure in the pipe allowed partially treated sewage in the treatment pond to drain back down the line and discharge into the creek. A total of approximately 300,000 gallons of sewage discharged to the creek and flowed to the Pacific Ocean approximately midway between Avila and Port San Luis Obispo pier.

Upon discovering the line break, the Mutual Water Company took immediate steps to stop the discharge of sewage and repair the broken line. The County Health Department, Regional Board staff and the Office of Emergency Services were notified of the discharge. County Health Department closed public access to beaches in the vicinity of the spill on July 4, 1998, in order to protect public health. Beaches were reopened three days later, when water quality samples indicated a public health threat no longer existed.

The Mutual Water Company has had eight sewage spills in the past three years which resulted in a total of approximately 477,200 gallons of sewage discharged to surface waters. These spills occurred on June 20, 1995; January 23, 1996; January 3, 1997; March 26, 1997; July 13, 1997; February 6, 1998, July 3-4, 1998; and August 3, 1998. These sewage spills have resulted from a variety of incidents (mainly power failure and pipe breaks) and three were caused by breaks in the force main, including the July 3-4, 1998 incident.

The Mutual Water Company began replacing the force main pipe in 1989 and breaks occurred in the pipe sections which had not yet been replaced. The Mutual Water Company has since replaced the remainder of the original pipe (approximately 2300 feet of the force main) and installed back-flow prevention at the treatment pond. These measures were completed by August 12, 1998.

The spill is a violation of section 13385 of the California Water Code (for violation of Section 301 of the Clean Water Act) as well as violating the Waste Discharge Requirements Order No. 95-57. The Executive Officer issued a notice of violation on July 15, 1998, and an administrative civil liability complaint on November 6, 1998.

Specific facts regarding the violation are outlined in the attached complaint and "Worksheet for Assessment of Administrative Civil Liability."

CIVIL LIABILITY

The maximum potential liability the Regional Board may assess in this case is \$3,000,000, as calculated in the attached work sheet.

RECOMMENDATION

Staff recommends assessment of \$10,000 in administrative liability against San Miguelito Mutual Water Company.

ATTACHMENTS

- A. Wastewater Facilities Site Map
- B. Wastewater Facilities Diagram
- 1. Administrative Civil Liability Order No. 98-84
- 2. Administrative Civil Liability Complaint No. 98-84
- 3. Worksheet for Assessment of Administrative Civil Liability